

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. \_\_\_\_\_

v. : DATE FILED: \_\_\_\_\_

JOHN KING,	:	VIOLETIONS:
CARL BURGESS,	:	18 U.S.C. § 371 (Conspiracy to make false
HERBERT SAMUELS, a/k/a "Ed"	:	statements to firearms dealer -1 Count)
KASIB CHESTNUT, a/k/a "Sid"	:	18 U.S.C. § 922(g)(1)(Felon in
	:	possession of a firearm - 1 Count)

(Notice of Forfeiture)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INFORMATION:

1. Defendant JOHN KING was barred from legally purchasing and possessing a firearm because he had previously been convicted of a felony crime for which he could be punished by more than one year imprisonment.

2. Al's Rainbow Sporting Goods, 2037 Oregon Avenue, Philadelphia, Pennsylvania and the Firing Line, 1532 South Front Street, Philadelphia, PA possessed federal firearms licenses ("FFL") and were authorized to deal in firearms under federal law.

3. FFL holders were licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929) govern the manner in which an FFL holder may sell firearms and ammunition.

4. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a “Firearms Transaction Record,” ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contained language warning that “[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearm for himself or herself or as a gift, but who completes this form, violates the law.” A person who purchases a firearm for another person and falsely completes the Form 4473 is a “straw purchaser.”

5. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

6. In or about April 2002, defendants

**JOHN KING,  
CARL BURGESS,  
HERBERT SAMUELS,  
KASIB CHESTNUT,**

conspired and agreed with each other and others to commit an offense against the United States, that is, to knowingly make false statements with respect to the information required to be kept in the records of a federally licensed firearms dealer, specifically, the identity of the actual buyer of the firearms, in violation of Title 18, United States Code, Section 924(a)(1)(A).

### MANNER AND MEANS

It was part of the conspiracy that:

1. Defendant JOHN KING asked defendants CARL BURGESS, HERBERT SAMUELS and KASIB CHESTNUT, who were not prohibited from purchasing firearms for themselves, to purchase certain firearms for him, by falsely stating to the firearms dealer that they, rather than defendant JOHN KING, were the actual buyers of the firearms.

2. Defendant JOHN KING drove defendants CARL BURGESS, HERBERT SAMUELS and KASIB CHESTNUT to the FFL, told them what firearms to purchase for him and provided them with cash to purchase the firearms.

3. Defendants CARL BURGESS, HERBERT SAMUELS and KASIB CHESTNUT purchased the firearms for defendant JOHN KING after completing the required ATF Form 4473 (Firearms Transaction Record) and falsely stating that they were the actual buyers of the firearms.

### OVERT ACTS

In furtherance of the conspiracy the defendants committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

#### April 23, 2002 Straw Purchases of Firearms

On or about April 23, 2002:

1. Defendant JOHN KING drove defendants CARL BURGESS and KASIB CHESTNUT to the Firing Line.

2. Defendant CARL BURGESS, at the direction of defendant JOHN KING, entered the Firing Line, and with money provided by defendant JOHN KING purchased for

KING two Taurus Model PT111, 9 mm., semi-automatic pistols, bearing serial numbers TUL19413 and TUJ9616, by falsely stating on the ATF Form 4473 that he was the actual buyer of the firearms.

3. Defendant KASIB CHESTNUT, at the direction of defendant JOHN KING, entered the Firing Line, and with money provided by defendant JOHN KING purchased for KING two Taurus Model PT145, .45 caliber, semi-automatic pistols, bearing serial numbers NUK06530 and NUK07315, by falsely stating on the ATF Form 4473 that he was the actual buyer of the firearms.

#### April 24, 2002 Straw Purchases of Firearms

On or about April 24, 2002:

1. Defendant JOHN KING drove defendant HERBERT SAMUELS and another person known to the United States Attorney to Al's Rainbow Sporting Goods.

2. Defendant HERBERT SAMUELS, at the direction of defendant JOHN KING, entered Al's Rainbow Sporting Goods, and with money provided by defendant JOHN KING purchased for KING a Keltec Model P-11, 9 mm., semi-automatic pistol, bearing serial number 116040, and a Ruger Model P97DC, .45 caliber, semi-automatic pistol, bearing serial number 663-36315, by falsely stating on the ATF Form 4473 that he was the actual buyer of the firearm.

3. Defendant JOHN KING drove defendant HERBERT SAMUELS and another person known to the United States Attorney to the Firing Line.

4. Defendant HERBERT SAMUELS, at the direction of defendant JOHN KING, entered the Firing Line, and with money provided by defendant JOHN KING purchased

for KING three Taurus Model PT111, 9 mm., semi-automatic pistols, bearing serial numbers TUL19414 and TUL19415 and TUL16937, by falsely stating on the ATF Form 4473 that he was the actual buyer of the firearms.

**All in violation of Title 18, United States Code, Section 371.**

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about the dates specified below, in the Eastern District of Pennsylvania,  
defendant

**JOHN KING,**

having previously been convicted in a court of the State of New Jersey of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce the firearms listed below:

<b>DATE</b>	<b>FIREARM</b>
4/23/02	Taurus Model PT111, 9 mm., semi-automatic pistol, serial number TUL19413
4/23/02	Taurus Model PT111, 9 mm., semi-automatic pistol, serial number TUJ9616
4/23/02	Taurus Model PT145, 45 caliber, semi-automatic pistol, serial number NUK06530
4/23/02	Taurus Model PT145, 45 caliber, semi-automatic pistol, serial number NUK07315
4/24/02	Keltec Model P-11, 9 mm., semi-automatic pistol, serial number 116040
4/24/02	Ruger Model P97DC, 45 caliber, semi-automatic pistol, serial number 663-36315
4/24/02	Taurus Model PT111, 9 mm., semi-automatic pistol, serial number TUL19414
4/24/02	Taurus Model PT111, 9 mm., semi-automatic pistol, serial number TUL19415
4/24/02	Taurus Model PT111, 9 mm., semi-automatic pistol, serial number TUL16937

**In violation of Title 18, United States Code, Section 922(g)(1).**

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Sections 371, 924(a)(1) and 922(g)(1), as set forth in Counts One and Two, defendants

**JOHN KING,  
CARL BURGESS,  
HERBERT SAMUELS, a/k/a “Ed,” and  
KASIB CHESTNUT, a/k/a “Sid”**

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

(a) Taurus Model PT111, 9 mm., semi-automatic pistol, bearing serial number TUL19413;

(b) Taurus Model PT111, 9 mm., semi-automatic pistol, bearing serial number TUJ9616;

(c) Taurus Model PT145, 45 caliber, semi-automatic pistol, bearing serial number NUK06530;

(d) Taurus Model PT145, 45 caliber, semi-automatic pistol, bearing serial number NUK07315;

(e) Keltec Model P-11, 9 mm., semi-automatic pistol, bearing serial number 116040;

(f) Ruger Model P97DC, .45 caliber, semi-automatic pistol, bearing serial number 663-36315;

(g) Taurus Model PT111, 9 mm., semi-automatic pistol, bearing serial number TUL19414;

(h) Taurus Model PT111, 9 mm., semi-automatic pistol, bearing serial number TUL19415; and,

(i) Taurus Model PT111, 9 mm., semi-automatic pistol, bearing serial number TUL16937.

**All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).**

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PATRICK L. MEEHAN  
United States Attorney